

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INDIAN HARBOR INSURANCE CO.,

Plaintiff,

- against -

THE CITY OF SAN DIEGO,

Defendant.

12 Civ. 5787 (JGK)

ORDER

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| USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/29/2012 |
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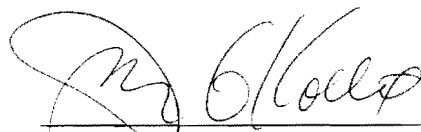
JOHN G. KOELTL, District Judge:

For the reasons stated at today's argument, the defendant's motion to dismiss is **denied** and the plaintiff's motion to enjoin is **granted**. The Clerk is directed to **close Docket Nos. 16 and 23**.

The time for the defendant to answer the complaint is extended to **January 4, 2013**. The time for the plaintiff to respond to any counterclaims is **January 14, 2013**. A conference is scheduled in this matter for **January 10, 2013 at 4:30pm**.

SO ORDERED.

Dated: New York, New York
November 28, 2012



John G. Koeltl
United States District Judge